IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.
WRIT PETITION NO.5902 OF 2006

Satish Dattatraya Purandare, .. Petitioner

Vs

Dattatraya Mutayya Bura, .. Respondent

Mr S.S.Shah, for the petitioner.
Mr Milind D Sugavkar, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 19.09.2006

PC:

1. Heard the learned counsel for the parties.

2. The order impugned in the present writ petition reads thus:

> "This court has received letter from Hon'ble District Court (enclosed with the said suit) informing to try both the said litigation separately and hence stay cannot be granted. So application rejected."

After having considered the overall facts and circumstances of the case, in my opinion, the order impugned cannot be sustained in law. The learned counsel for the parties have fairly stated that I need not record reasons for setting aside the aforesaid order and have agreed for the following order.

(a) The aforesaid order dated 21.7.2006 is quashed and set aside.

(b) The petitioner shall deposit Rs.1,00,000/- within four weeks from today in the trial Court and shall furnish a bank guarantee of Rs.2,00,000/- lacs within eight weeks from today. The petitioner to keep the bank guarantee alive till the disposal of Spl.Civil Suit No.282 of 2004 filed by him and for a period of four weeks from the date of judgment in the said suit.

(c) The respondent-decree holder is allowed to withdraw Rs.1,00,000/- lac that will be deposited by the petitioner by furnishing security to the satisfaction of the trial Court.

(d) The trial Court is directed to decide Spl. Civil Suit no.282 of 2004 as expeditiously as possible and in any case within six months from today. Parties shall cooperate with disposal of the suit within the time aforesaid. Spl.Darkhast No.96 of 2004 shall remain stayed for a period of six months from today.

(e) The petitioner, who is present in the court, undertakes that he shall not remove any of the movable articles in respect of which the respondent-decree holder has applied for attachment under Order 21 rule 43

of CPC till he deposits the aforesaid amount and furnishes the bank guarantee as aforestated.

. With these directions,the writ petition is disposed of.

. Parties to act on an authenticated copy of this order.

(D.B.BHOSALE,J.)